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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,993	08/29/2005	Toby Lansel	580094.401USPC	5153
500	7590	05/04/2007	EXAMINER	
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC			SWENSON, BRIAN L	
701 FIFTH AVE			ART UNIT	PAPER NUMBER
SUITE 5400			3618	
SEATTLE, WA 98104				

  

MAIL DATE	DELIVERY MODE
05/04/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/520,993	LANSEL, TOBY	
Examiner	<b>Art Unit</b>		
Brian Swenson	3618		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 13 April 2006.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-5 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-5 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 10 January 2005 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 4/13/06

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application

6)  Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are replete with language that lacks antecedent basis in the claims. Specifically, the claims should first refer to features with "a" or "an" before using a definite article, such as "the" or "said".

A few examples follow below.

Claim 1 recites the limitation "the wheels" and "the outer wheels" in lines 4 and 5. There is insufficient antecedent basis for this limitation in the claim. Also the term "outer" is unclear, since the skate is an inline skate and all wheels are situated in the same plane. The examiner suggests using a term to differentiate between the longitudinal positions, such as a "forward and rearward wheel," or "front and rear wheel," etc.

Additionally: "the heel" should be changed to – a heel – in line 2 of claim 1;  
"the front portion" should be changed to – a front portion – in line 3 of claim 1;  
"the skates frame" should be changed to – a skates frame – in line 2 of claim 1;  
"the wheels" should be changed to – a wheels – in line 4 of claim 1;  
"the full length" should be changed to – a full length – in line 4 of claim 1;

"the mid portion" should be changed to – a mid portion – in line 6 of claim 1;

"the pivoting ankle support" should be changed to – a pivoting ankle support – in line 5 of claim 2;

The applicant should review the remaining claims for compliance with 35 U.S.C. 112, second paragraph.

***Allowable Subject Matter***

2. Claim would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter: the primary reason for the indication of allowable subject matter in this case is the inclusion of: a brake lever and a brake rail for an inline skate, where brake rail extends a full length between forward and rearward wheels for the inline skate and the brake lever is hingedly connected a skate frame, the brake lever is also hingedly connected to the brake rail at a midpoint between front and rear wheels for the inline skate, in combination with the other elements recited, not found in the prior art of record.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,666,462 issued to Bellehumeur et al. teach of a brake for an inline skate with a brake lever and a brake rail that extends between the rear, two wheels for an inline skate.

U.S. Patent No. 6,598,8876 issued to Haldemann teaches of an in line braking device actuated by a brake lever.

U.S. Patent No. 6,279,922 issued to Gaster and U.S. Patent No. 6,283,481 issued to Roman et al. each teach of a brake device that brakes each wheel for inline skates.

U.S. Patent No. 6,254,109 issued to Horton teaches of an anti-lock system for rollerblades.

U.S. Patent No. 6,065,761 and 5,938,213 issued to Gignoux et al. teach of a brake for an inline skate with a brake lever and a brake rail that extends between the rear two wheels for an inline skate.

U.S. Patent No. 5,398,948 issued to Mathis teaches of a damping system for an inline skate that includes a moveable rail.

U.S. Patent No. 5,320,367 issued to Landis teaches of an inline skate that uses an inflatable bladder to brake the skate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Swenson whose telephone number is (571) 272-6699. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian Swenson  
Examiner  
Art Unit 3618

BS 4/30/07

bls



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